

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

ROBERT SHERMAN NIX, III,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:13-CV-290
v.	)	
	)	Judge Curtis L. Collier
STATE OF TENNESSEE, and	)	
ROBERT E. COOPER, JR.	)	
	)	
Defendant.	)	

**JUDGMENT ORDER**

*Pro se* Plaintiff Robert Sherman Nix, III (“Plaintiff”) filed a complaint against Defendants State of Tennessee and Robert E. Cooper, Jr. (“Defendants”) (Court File No. 2) as well as a motion to proceed *in forma pauperis* (“IFP”) (Court File No. 1). Magistrate Judge William B. Mitchell Carter filed a report and recommendation (“R&R”) concluding that Plaintiff had failed to state a claim upon which relief could be granted (Court File No. 3). The magistrate judge determined that Plaintiff’s complaint “appears to argue that Tenn. Code Ann. § 63-6-205 is unconstitutional because it prohibits the practice of naturopathy in Tennessee, but the basis for this alleged unconstitutionality is not sufficiently stated” (*id.*). The magistrate judge cited *Davis v. Beeler*, which holds that the state may regulate practitioners of the healing arts, including naturopathy, without violating the Constitution. 207 S.W.2d 343 (Tenn. Ct. App. 1947)

Plaintiff has not filed an objection to the R&R within the allotted time. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge’s R&R (Court File No. 3) pursuant to 28 U.S.C. § 636(b)(1), **DENIES** Plaintiff’s IFP motion (Court File No. 1), and **DIRECTS** the Clerk of Court to **CLOSE** the case.

**SO ORDERED.**

**ENTER:**

/s/

**CURTIS L. COLLIER**

**UNITED STATES DISTRICT JUDGE**

ENTERED AS A JUDGMENT

s/ Debra C. Poplin

CLERK OF COURT